

### **REMARKS**

In response to the final Official Action of January 25, 2008, claim 8 has been amended in view of the rejection under 35 USC §112. No new matter is added and no new issues are raised by this amendment. Therefore, entry and consideration of this amendment is earnestly requested.

### **Claim Rejections - 35 USC §112**

At sections 3-5, claims 1, 3-11, and 13-18 are rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, the Office asserts that the feature "if said examining determines that distribution of the package is allowed, distributing said package" is unclear since it does not specify what happens if the examining determines that distribution of the package is not allowed. Applicant respectfully disagrees that this claim is indefinite. Applicant is allowed to particularly point out and distinctly claim the invention under 35 USC §112. Here applicant particularly points out the actions of verifying the integrity of information indicative of the conditions in which distribution of a package is allowed and if the verification of the integrity of the package fails, prohibiting distribution of the package. The claim further specifies that if the verifying does not fail, there is examining the information indicative of the conditions in which the distribution of the package is allowed to determine whether the distribution of the package is allowed and if the examining determines that distribution of the package is allowed, distributing said package. The action if the examining does not determine that distribution of the package is allowed is not specified, however this is not believed to make the claim indefinite since the method is directed to the actions associated with distribution of a package that contains at least one media content by an electronic device where the package further comprises information indicative of the conditions in which the distribution of the package is allowed.

Thus, the present invention is directed to determining the conditions in which distribution of a package is allowed, but does not specify or require any particular actions if

the conditions for distribution are not met. Since the actions required for distribution are positively recited and since the method is for distribution of a package, it is respectfully submitted that claim 1 is definite with respect to the conditions in which distribution of a package is allowed.

Consequently, the rejection of claim 1 under 35 USC §112, second paragraph should be withdrawn by the Office.

For similar reasons, system claim 11 specifies a system for distributing a package containing at least one media object by an electronic device, the package further comprising information indicative of the conditions in which distribution of the package is allowed. The elements recited in claim 11 have functionality corresponding to method claim 1 and, for similar reasons, claim 11 is believed to be definite.

With respect to claim 8, the Office states that the phrase "storing at least one package into a memory of the electronic device" is unclear as to which electronic device is referred to. Claim 8 has been amended to make clear that the action of selecting a package from the memory for distribution is for distribution to a second electronic device and that on the basis of said examining either transmitting the selected package to the second electronic device (if it is determined that transmission is allowed) or not transmitting the selected package to the second electronic device (if it is determined that transmission is not allowed) is performed. Claim 8 has also been amended to depend directly from claim 1.

It is respectfully submitted that claim 8, as amended, is definite.

Finally, dependent claims 3-10 and 13-18 are also believed to be definite since each of these claims ultimately depend from either independent claim 1 or 11 which, as stated above, are believed to be definite.

Therefore, all of the claims of the present application are believed to be definite.

#### **Claim Rejections - 35 USC §102**

At sections 6 and 7, claims 3-11, 13-19, 21-29, 31-41, 43, and 44<sup>1</sup> are rejected under

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<sup>1</sup> Although claim 1 is not specifically recited at the beginning of section 7 as anticipated by Downs, claim 1 is, in fact, rejected as anticipated by Downs in the second paragraph of section 7.

35 USC §102(b) as anticipated by US patent 6,226,618, Downs, et al (hereinafter Downs). With respect to claim 1, it is asserted that Downs discloses verifying the integrity of the information indicative of the conditions in which distribution of the package is allowed and if the verification of the integrity of the package fails, prohibiting distribution of the package and if verifying does not fail, examining said information indicative of the conditions in which distribution of the package is allowed to determine whether distribution of the package is allowed and if said examining determines that distribution of the package is allowed, distributing said package. Specific reference is made to steps 143-148 of the table that spans columns 18 and 19 of Downs.

Downs is directed to an electronic content delivery system for securely providing data to a user's system. The data is encrypted so as to only be decryptable by a data decrypting key, the data decrypting key being encrypted using a first public key and the encrypted data being accessible to the user's system. The method of Downs comprises transferring the encrypted data decrypting key to a clearinghouse that possesses a first private key, which corresponds to the first public key; decrypting the data decrypting key using the first private key; re-encrypting the data decrypting key using a second public key; transferring the re-encrypted data decrypting key to the user's system, the user's system possessing a second private key, which corresponds to the second public key; and decrypting the re-encrypted data decrypting key using the second private key (Downs, Abstract).

The overall methodology disclosed in Downs is shown in Figures 1A-1D which correspond to the table presented at columns 18 and 19 of Downs. The specific steps relied upon by the Office are:

- 143 The Clearinghouse(s) 105 receives the Order SC, opens it and verifies that none of the data has been tampered with. The Clearinghouse(s) 105 validates the Usage Conditions purchased by the End-User(s). These Usage Conditions must comply with those specified by the Content Provider(s) 101. This information is logged in a database.

- 144 Once all the checks are complete, the Encrypted symmetric Key is decrypted using the private key of the Clearinghouse(s) 105. The symmetric Key is then encrypted using the public key of the End-User(s). This new Encrypted symmetric Key is then packaged into a License SC by the SC Packer.
- 145 The License SC is then transmitted to the End-User(s).
- 146 When the License SC is received at the End-User Device(s) 109 it is stored in memory until the Content SC is downloaded.
- 147 The End-User Device(s) 109 request form the Content Hosting Facility 111, sending the corresponding License SC for the purchased Content 113.
- 148 Content 113 is sent to the end-User Device(s) 109. Upon the receipt the Content 113 is de-encrypted by the End-User Device(s) 109 using the Symmetric Key.

(Note that SC stands for secure container).

It is clear from step 143 that Downs verifies that the order is not tampered with. However, no verification is made in Downs to determine the integrity of the information of the package. Claim 1, in contrast, specifically recites verifying the integrity of the information indicative of the conditions in which distribution of the package is allowed and if the verification of the integrity of the package fails, prohibiting the distribution of the package.

Thus, claim 1 verifies the integrity of the information in the package itself. In short, the verifying that an order received has not been tampered with as disclosed in step 143 of Downs, does not disclose or suggest verifying the integrity of information indicative of the conditions in which distribution of a package is allowed, where the package comprises information indicative of those conditions in which the distribution of the package is allowed.

Such integrity verification of the information indicative of the conditions in which the distribution of the package is allowed insures that this information can be trusted and thus does not come from a source which is untrustworthy. This is the essence of integrity verification, as distinguished from determining if an order itself has been tampered with as received by a clearinghouse as discussed in Downs.

In addition, step 143 of Downs validates Usage Conditions purchased by the End-User(s). These Usage Conditions must therefore comply with conditions specified by the content provider. In claim 1, the package comprises information indicative of the conditions in which distribution of the package is allowed. Downs does not disclose that the Usage Conditions specified by the content provider are stored in the Order SC that is received by the clearinghouse from the user.

In addition, step 134 discloses that the Electronic Digital Content Store(s) 103 specific Usage Conditions and the original Metadata SC(s) are packed into the Offer SC by the SC Packer Tool. The Offer SC is separate from the content 113 as seen in Figures 1A-1B.

It is therefore clear that Downs does not disclose or suggest the specific actions recited in claim 1 since it sets forth a different methodology for purposes of sending content to an end user device as set forth in steps 121-148 and Figures 1A-1D of Downs.

It is therefore respectfully submitted that claim 1 is not anticipated by Downs.

Independent system claim 11, independent electronic device claim 19, independent mobile communication device 29, independent computer readable medium claim 31, independent package claim 33, independent business method for distributing a package claim 41, and independent electronic device claim 44 all recite features corresponding to those discussed above with respect to method claim 1 and, for similar reasons, each of these above-recited independent claims is believed to be not anticipated by Downs.

Since each of the independent claims of the present application is believed to be allowable, it is respectfully submitted that dependent claims 3-10, 13-18, 21-28, 32, 34-40, and 43 are also not anticipated by Downs at least in view of such dependency.

It is therefore respectfully submitted that the present application as amended sets forth claims which are definite and which are allowable in view of the cited art. Early notice of allowance is therefore respectfully requested.

The undersigned respectfully submits that no fee is due for filing this Amendment After Final. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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Alfred A. Fressola\  
Attorney for Applicant, Reg. No. 27,550

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
Bradford Green, Building Five  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
Telephone: (203) 261-1234  
Facsimile: (203) 261-5676  
USPTO Customer No. 004955